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11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 ZACHARY J. FARLOW, MATTHEW H.
15 CLOUGH, CURTIS MCNEAL MERTZ,
WILLIAM TSUMPES, JAMES HIGDON,
16 DARYL ALEJANDRO, GARY O.
PEDERSON, BOBBY J. GRIFFITH, BARRY
17 R. GONSALVES, JOSEPH SAWICKI,
ALLEN J. FOWLER, JAMES CROWELL,
18 JR., KELLY ARNOLD, ROBERT C. HAUS,
and WARREN STORY, each plaintiff is a
19 citizen of the State of California and each
20 plaintiff brings suit Individually and on behalf
of all others similarly situated,

21 Plaintiffs,

22 vs.

23 FORD MOTOR COMPANY, a Delaware
Corporation,

24 Defendant.
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CASE NO. 3:18-cv-06967-JD

The Hon. James Donato

**STIPULATION AND ~~PROPOSED~~
ORDER GRANTING DEFENDANT FORD
MOTOR COMPANY'S 28 U.S.C. § 1404(a)
MOTION TO TRANSFER VENUE**

1 WHEREAS, on August 9, 2019, the same three law firms representing the named Plaintiffs
2 here filed a nearly identical complaint against Ford on behalf of a putative nationwide class in the
3 Eastern District of Michigan. *Droesser v. Ford Motor Co.*, No. 5:19cv12365-JEL (E.D. Mich.).
4 Ford moved to transfer *Farlow* (and two other cases *Nunez v. Ford Motor Co.*, 1:18cv25211 (S.D.
5 Fla. filed Dec. 12, 2018), and *Stevens v. Ford Motor Co.*, No. 2:18cv456 (S.D. Tex. filed Dec. 20,
6 2018)) to the Eastern District of Michigan under 28 U.S.C. § 1404(a). *See, e.g.*, Motion to Transfer,
7 *Farlow*, ECF No. 61 (Aug. 28, 2019).

8 WHEREAS, shortly before Ford moved to transfer, those same three firms asked the Judicial
9 Panel on Multidistrict Litigation (“JPML”) to centralize the cases against Ford and other
10 manufacturers in a multidistrict litigation (“MDL”) under 28 U.S.C. § 1407. *See* Notice, ECF No.
11 [59] (Aug. 23, 2019).

12 WHEREAS this Court stayed all proceedings before it on September 9, 2019 pending the
13 outcome of Plaintiffs’ Motion before the JPML.

14 WHEREAS on December 18, 2019, the JPML held centralization was unnecessary, and
15 noted that “[i]f [Ford’s 1404(a)] motions are granted, all four actions against Ford will be in a single
16 district, further lessening any need for centralization.” *In re: CP4 Fuel Pump Marketing, Sales*
17 *Practices, and Products Liability Litigation*, MDL No. 2919, at 2 n.1 (Dec. 18, 2019).

18 WHEREAS on December 20, 2019, Plaintiffs’ counsel advised that they now are amenable
19 to transfer of the *Farlow* matter to the Eastern District of Michigan for consolidation with the
20 *Droesser* matter already pending there pursuant to 28 U.S.C. § 1404(a) and will not oppose Ford’s
21 pending motion.

22 WHEREAS consolidation pursuant to 28 U.S.C. § 1404(a) will enhance the “convenience
23 of the parties and witnesses” and is in the “interest of justice.” Moreover, transfer to the Eastern
24 District of Michigan is likewise proper as venue is proper in the Eastern District of Michigan, where
25 Ford’s principal place of business is located, and the *Farlow* matter and the *Droesser* matter share
26 nearly identical allegations and legal theories.

27 IT IS THEREFORE STIPULATED AND AGREED that this action be transferred to the
28 E.D. Mich. as a related action to the *Droesser* matter, No. 5:19cv12365-JEL (E.D. Mich.).

1 Dated: January 17, 2020

MCGUIREWOODS LLP

2 By: /s/ Bethany Gayle Lukitsch

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12 *Attorneys for Ford Motor Company*

13 Dated: January 17, 2020

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: January 23, 2020

